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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/688,581	10/16/2000	Edward Balassanian	3802-4032	2022
27123	7590	03/02/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			BRUCKART, BENJAMIN R	
			ART UNIT	PAPER NUMBER
			2155	
DATE MAILED: 03/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/688,581	BALASSANIAN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Benjamin R Bruckart	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 December 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-89 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-89 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## Detailed Action

### Status of Claims:

Claims 1-89 are pending in this Office Action.

### *Priority*

Receipt is acknowledged of papers submitted. Attention is directed to the fact that the date for which priority is claimed is the priority date of U.S. Patent 6,324,685. The priority date of 3/18/98 is granted.

### *Claim Objections*

Claim 12 is objected to because of the following informalities: "Sever" is a misspelling. Appropriate correction is required.

### *Claim Rejections - 35 USC § 101*

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-80 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In claim 1, the applicant claims a method of deploying computer code within a network communications but does not define within the body of the claim the hardware in which the invention runs. This trend is replicated through most of the other independent claims 12-80. The examiner can find no hardware embodiment in which the claim language is embodied with special attention to claims 72-80.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,151,643 by Cheng et al.**

Regarding claim 1, a method of deploying computer code for a feature within a network (Cheng: col. 6, lines 11-20), comprising:

searching locally for the code for the feature (Cheng: col. 7, lines 46-53);  
requesting the code for the feature from a server component in the network (Cheng: col. 8, lines 21-31);  
receiving the code for the feature from the server component (Cheng: col. 8, lines 36-42);  
and  
activating the feature (Cheng: col. 5, lines 33; install).

Regarding claim 2, the method of claim 1, further comprising establishing a need for the code for the feature (Cheng: col. 2, lines 11-13).

Regarding claim 3, the method of claim 2, wherein establishing a need for the code for the feature is based on a request for the feature (Cheng: col. 7, lines 54- col. 8, line 20).

Regarding claim 4, the method of claim 1, wherein the feature comprises at least one sub-feature (Cheng: col. 7, lines 46-53; applications, system utilities, drivers, executables, and drivers).

Regarding claim 5, the method of claim 4, wherein the sub-feature may be used with other features (Cheng: col. 13, lines 24-28; device drivers; col. 18, lines 54-57).

Regarding claim 6, the method of claim 1, wherein the code received from the server component for the feature is an upgrade to an existing feature (Cheng: col. 7, lines 62-64).

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Regarding claim 7, the method of claim 6, further comprising upgrading other existing features based on the code received from the server component for the feature (Cheng: col. 7, lines 46- col. 8, line 20).

Regarding claim 8, the method of claim 1, wherein activating the feature comprises activating all resources associated with the feature (Cheng: col. 5, lines 33; install; col. 8, lines 21-26).

Regarding claim 9, the method of claim 1, wherein the code for the feature received from the server component is a mapping (Cheng: col. 7, lines 46-61).

Regarding claim 10, the method of claim 1, wherein requesting the code for the feature from a server component in the network includes at least one restriction on the feature (Cheng: col. 8, lines 18-20).

Regarding claim 11, the method of claim 10, wherein the at least one restriction on the feature is set by a user (Cheng: col. 8, lines 18-20).

**Claims 12-16 are rejected under the same grounds as claims 1-11. Claims 12-16 are substantially similar limitations of the above claims. Claims 17-18, 23, 26 are rejected under the same grounds as claims 1-11 because the only claim limitation change is the code is requested from a second component in the network which is equated to the server component. Claims 27-31 are rejected under the same grounds as claims 1-11.**

Regarding claim 23, the method of claim 18, further comprising transferring the code for the feature to the first component within the network (Cheng: col. 8, lines 36-42).

Regarding claim 26, the method of claim 23, further comprising storing locally the code for the feature (Cheng: col. 8, lines 36-42, 55-61).

Regarding claim 29, the method of claim 27 wherein the feature comprises separate versions (Cheng: col. 3, lines 34-39).

Regarding claim 30, the method of claim 29, further comprising determining a version of the code for the feature to transfer to the component within the network (Cheng: col. 3, lines 34-39).

Regarding claim 31, the method of claim 30, wherein determining a version of the code for the feature to transfer to the component within the network is based on a restriction (Cheng: col. 7, lines 46- col. 8, line 20).

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**Claims 32-33 are rejected under the same grounds as claims 1-11 as being substantially similar limitations for deploying computer code which is rejected with explanations above.**

**Claims 45-49 are rejected under the same grounds as claims 1-11 as being substantially similar limitations for deploying computer code which is rejected with explanations above.**

**With regards to claims 50-60, 62 the applicant is directed to the rejection for claims 1-11 and claims 23, 26-30. The claims are rejected under the same prior art as being substantially similar. Similarly claims 63-67; 69-76, 78-85, 87-89 are rejected under the same prior art.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 19-22, 34-44, 61, 68, 77, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,151,643 by Cheng et al in view of U.S. Patent No. 5,421,009 by Platt.**

Regarding claim 19,

The Cheng reference teaches the method of claim 18, for deploying content.

The Cheng reference does not explicitly state determining capacity.

The Platt reference teaches determining whether the first component has capability to process the code for the feature (Platt: col. 6, lines 16-56).

The Platt reference further teaches the invention interrogates the system to determine capabilities to insure a successful installation (Platt: col. 6, lines 20-29).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of deploying code in a network environment as taught by Cheng while determining capabilities as taught by Platt in order to insure a successful installation (Platt: col. 6, lines 20-29).

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Claims 20-22 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Cheng et al and Platt.

Regarding claim 20, the method of claim 19, wherein capability to process the code for the feature is based on a type of processor on the first component (Platt: col. 6, lines 23-31; hardware; col. 3, lines 15-18).

Regarding claim 21, the method of claim 19, wherein capability to process the code for the feature is based on memory space on the first component (Platt: col. 6, lines 41-56).

Regarding claim 22, the method of claim 19, wherein capability to process the code for the feature is based on an operating system on the first component (Platt: col. 6, lines 31-42).

Regarding claim 34,

The Cheng reference teaches a method of deploying computer code for a feature within a network (Cheng: col. 6, lines 11-20), comprising:

receiving a request for the code for the feature from a component within the network (Cheng: col. 7, lines 46-53), wherein the feature comprises at least one sub-feature (Cheng: col. 7, lines 46-53; applications, system utilities, drivers, executables, and drivers); and

searching locally for the code for the at least one sub-feature (Cheng: col. 8, lines 21-31).

The Cheng reference does not explicitly state determining capacity.

The Platt reference teaches determining whether the component has capability to process code for any of the feature (Platt: col. 6, lines 20-29).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of deploying code in a network environment as taught by Cheng while determining capabilities as taught by Platt in order to insure a successful installation (Platt: col. 6, lines 20-29).

Claims 20-22 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Cheng et al and Platt.

Regarding claim 35, the method of claim 34, further comprising transferring the code for the at least one sub-feature to the component within the network (Cheng: col. 8, lines 36-42).

Regarding claims 36, the method of claim 37, transferring code for a mapping to the component within the network (Cheng: col. 7, lines 46-61).

Regarding claim 37, the method of claim 34, further comprising transferring some of the code for sub-features of the feature to the component within the network (Cheng: col. 7, lines 46-61).

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Regarding claims 38, the method of claim 35, wherein the code for the at least one sub-feature transferred to the component within the network is a mapping (Cheng: col. 7, lines 46-61).

Regarding claim 39, the method of claim 34, wherein capability to process code for any sub- features of the feature is based on a type of processor on the component (Platt: col. 6, lines 23-31; hardware; col. 3, lines 15-18).

Regarding claim 40, the method of claim 34, wherein capability to process code for any sub-features of the feature is based on memory space on the component (Platt: col. 6, lines 41-56).

Regarding claim 41, the method of claim 34, wherein capability to process code for any sub-features of the feature is based on an operating system on the component (Platt: col. 6, lines 31-42).

Regarding claim 42, the method of claim 34, wherein the request for the code for the feature includes at least one restriction on the feature (Mishra: col. 8, lines 39-42).

Regarding claim 43, the method of claim 34, wherein the at least one sub-feature comprises separate versions (Cheng: col. 3, lines 34-39).

Regarding claim 44, the method of claim 43, further comprising:  
determining a version of the code for the at least one sub-feature to transfer to the component within the network (Cheng: col. 3, lines 34-39); and  
transferring the version of the code for the at least one sub-feature to the component within the network (Cheng: col. 3, lines 34-39).

Regarding claim 61, the system of claim 60, further comprising means for determining whether the first component has capability to process the code for the feature (Platt: col. 6, lines 20-29).

Regarding claim 68, a system for deploying computer code for a feature within a network (Cheng: col. 6, lines 11-20), comprising:

means for receiving a request for the code for the feature from a component within the network (Cheng: col. 7, lines 46-53), wherein the feature comprises at least one sub-feature (Cheng: col. 7, lines 46-53; applications, system utilities, drivers, executables, and drivers);  
means for searching locally for the code for the at least one sub-feature (Cheng: col. 8, lines 21-31); and

The Cheng reference does not explicitly state determining capacity.

The Platt reference teaches determining whether the component has capability to process code for any of the feature (Platt: col. 6, lines 20-29).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of deploying code in a network environment as taught by Cheng while determining capabilities as taught by Platt in order to insure a successful installation (Platt: col. 6, lines 20-29).

Claims 77, 86 are rejected under the same rationale as claim 68 because they contain substantially similar limitations.

**Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,151,643 by Cheng et al in view of U.S. Patent No. 5,919,247 by Van Hoff et al.**

Regarding claim 24,

The Cheng reference teaches the method of deploying content.

The Cheng reference does not explicitly state encryption.

The Van Hoff reference teaches encrypting the code for the feature before transferring the code for the feature to the first component within the network (VanHoff: col. 12, lines 33-46).

The Van Hoff reference further teaches the invention implements a strong security model to prevent damaging or stealing of information (Van Hoff: col. 12, lines 33-46).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system of deploying code in a network environment as taught by Cheng while utilizing encryption as taught by Van Hoff in order to protect information from damage and theft (Van Hoff: col. 12, lines 33-46).

Claim 25 is rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Cheng et al and Van Hoff.

Regarding claim 25, the method of claim 23, further comprising digitally signing the code for the feature before transferring the code for the feature to the first component within the network (VanHoff: col. 12, lines 33-46).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin R Bruckart whose telephone number 571-272-3982. The examiner can normally be reached on 8:00-5:30 PM with every other Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-3982.

Benjamin R Bruckart

Examiner

Art Unit 2155

brb

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b/w

*mjcam*  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER